

Message Text

CONFIDENTIAL

PAGE 01 BONN 13594 01 OF 02 201227Z

43

ACTION EUR-25

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 PM-07 INR-10 L-03 NEA-10 NSAE-00 PA-03 RSC-01

PRS-01 SPC-03 TRSE-00 MBFR-04 SAJ-01 DODE-00 NSC-10

SS-15 ACDA-19 IO-13 NIC-01 OMB-01 EPA-04 CEQ-02 SCI-06

DRC-01 SCEM-02 /143 W
----- 015120

O R 201213Z SEP 73

FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 7527

USMISSION BERLIN IMMEDIATE

INFO AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 13594

E.O. 11652: GDS

TAGS: PGOV, WB, GW, UR

SUBJECT: LOCATION OF FRG ENVIRONMENTAL OFFICE/AGENCY
IN BERLIN

REF: (A) BERLIN 1625; (B) BERLIN 1631; (C) STATE 184125;
(D) BONN 13284

1. AT TRIPARTITE MEETING SEPT. 18 UK REP ON BASIS FCO
INSTRUCTIONS INDICATED PREFERENCE TO AVOID CHALLENGING
IN NOTE SUBJECTIVE PREMISE (DIMINUTION OF FRG-BERLIN
TIES) FROM WHICH SOVIET COMMUNICATION CLAIMED THAT THE
FOUR POWERS PROCEEDED RE QA, AND TO LIMIT RESPONSE TO
REFERENCE TO ACTUAL LANGUAGE OF QA AND ACCOMPANYING DOCU-
MENTS. FRENCH AND US REPS EXPRESSED PREFERENCE FOR AD
REF TEXT (WITH MINOR CHANGE, REFTEL (B) AND (C)) AND EM-
PHASIZED DESIRABILITY OF NOT LEAVING USSR ASSERTION CON-
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BONN 13594 01 OF 02 201227Z

CERNING PREMISE UNDERLYING QA UNCHALLENGED.

2. AT TRIPARTITE MEETING SEPT. 19 UK REITERATED PREVIOUSLY-STATED PREFERENCE, AND FRENCH REPS SUBMITTED THEIR REDRAFT OF NOTE INTENDED PARTLY TO COPE WITH UK PROBLEM AND PARTLY TO TAKE INTO CONSIDERATION THAT LOCATION IN WSB OF PRELIMINARY OFFICE CREATED BY DECREE BASED ON ORGANIZATIONSGEWALT WHICH NOT APPLICABLE IN BERLIN WOULD REQUIRE STEPS AGREED AS REPORTED IN REFTEL (A)--A SCENARIO FOR WHICH NO PRECISE PRECEDENT OR PREVIOUSLY ESTABLISHED PROCEDURE APPEARS TO HAVE BEEN FOUND. FRENCH DRAFT ALSO ACKNOWLEDGES THERE WAS SPECIFIC AGREEMENT BY FOUR POWERS ONLY AS EXPLICITLY SET OUT IN QA TO SUBJECT SPECIFIED FORMS OF FEDERAL PRESENCE TO CERTAIN LIMITATIONS WHICH ARE BASED ON THE AUTHORITY AND FUNCTION OF THOSE FORMS OF FEDERAL PRESENCE RATHER THAN ON THEIR STATUS--AS, FOR EXAMPLE, "CENTRAL GOVERNMENT ORGANIZATION OF FRG AS OBJECTED TO BY SOVIET COMMUNICATION.

3. FOLLOWING TEXT WAS AGREED ON AD REFERENDUM BY THREE POWER REPS. PARA 1 IS LARGELY UNCHANGED FROM CLEARED TEXT; PARAS 2 AND 3 ARE BASED ON FRENCH REDRAFT, WITH CHANGES TO PARA 3 TO DELETE QUOTATION OF "ACTS IN DIRECT EXERCISE OF STATE AUTHORITY OVER THE WSB" AS CONTAINED IN THREE AMBASSADORS' LETTER. US AND UK REPS PREFERRED TO SAVE THIS LANGUAGE FOR USE AT POSSIBLE FURTHER ROUND WITH USSR ON OFFICE OR AGENCY. BEGIN TEXT:

(A) WITH REFERENCE TO THE COMMUNICATION OF THE EMBASSY OF THE USSR OF SEPTEMBER 10, 1973 CONCERNING THE LOCATION IN THE WSB OF THE PROPOSED FEDERAL GERMAN ORGANIZATION CONCERNED WITH ENVIRONMENTAL MATTERS, I WOULD LIKE TO MAKE THE FOLLOWING REPLY WHICH REPRESENTS THE VIEWS OF THE AUTHORITIES OF THE THREE POWERS.

(B) IT CANNOT BE ASSERTED THAT THE TEXT OF THE QA AND ITS ACCOMPANYING DOCUMENTS IS BASED ON THE GENERAL PRINCIPLE THAT THE FEDERAL PRESENCE IN THE WSB IS TO BE REDUCED, AS A PROVISION TO THIS
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BONN 13594 01 OF 02 201227Z

EFFECT IS NOT CONTAINED IN THE QA AND ITS ACCOMPANYING DOCUMENTS. RATHER, AS THE SOVIET AUTHORITIES HAVE NOTED, ANNEX II OF THE QA EXPLICITLY SETS OUT IN PARAGRAPH 2 THE LIMITATIONS IMPOSED BY THE THREE WESTERN POWERS ON THE FEDERAL PRESENCE IN THE WSB. THESE LIMITATIONS ARE BASED ON THE PROVISIONS OF PARAGRAPH 1 OF THE ANNEX WHICH, IN FACT, PROVIDE THAT "THE TIES BETWEEN THE

WSB AND THE FRG WILL BE MAINTAINED AND DEVELOPED."

(C) THE LOCATION IN THE WSB OF THE PROPOSED ORGANIZATION WOULD CONTRIBUTE TO THE DEVELOPMENT OF THESE TIES. THIS ORGANIZATION WOULD NOT BE AUTHORIZED TO ACT IN A MANNER INCONSISTENT WITH THE QA AND ITS ACCOMPANYING DOCUMENTS, INCLUDING THE LETTER OF THE AMBASSADORS OF THE THREE POWERS TO THE CHANCELLOR OF THE FRG DATED SEPTEMBER 3, 1971. END TEXT.

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 BONN 13594 02 OF 02 201227Z

46

ACTION EUR-25

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 PM-07 INR-10 L-03 NEA-10 NSAE-00 PA-03 RSC-01

PRS-01 SPC-03 TRSE-00 MBFR-04 SAJ-01 DODE-00 NSC-10

SS-15 ACDA-19 IO-13 NIC-01 OMB-01 DRC-01 SCEN-02

SCI-06 CEQ-02 EPA-04 /143 W
----- 015122

O R 201213Z SEP 73

FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 7528

USMISSION BERLIN IMMEDIATE

INFO AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 02 OF 02 BONN 13594

4. EMBASSY BELIEVES THAT WHILE REDRAFT DOES NOT ADDRESS ITSELF TO USSR ASSERTION CONCERNING PREMISE UNDERLYING

QA AS DIRECTLY AS PREVIOUS DRAFT, REFERENCE TO THE LIMITATIONS EXPLICITLY SET OUT IN QA AND, ON THE OTHER HAND, TO QA LANGUAGE ON DEVELOPMENT OF TIES ADEQUATELY COPE WITH SOVIET ARGUMENT. THIRD PARA OF REDRAFT MAKES CLEAR THAT STANDARD TO BE APPLIED BY THREE POWERS TO LOCATION OF PROPOSED FEDERAL ORGANS IN WSB WILL BE THAT SET OUT IN THREE AMBASSADORS' LETTER TO CHANCELLOR WHILE NOT GOING INTO DEFENSIVE OR CONTENTIOUS DETAIL.

5. EMBASSY IS IN AGREEMENT WITH STEPS DISCUSSED AND AGREED IN BERLIN (REFTELS (A) AND (B)) FOR INTERIM OFFICE TO OPERATE IN WSB AND APPRECIATES BERLIN'S PUR-
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BONN 13594 02 OF 02 201227Z

POSE IN LIMITING AK UNDERTAKING RE FINAL AGENCY AT THIS TIME TO "STUDY" OF LEGISLATION. RE PARA 3 REFTTEL (B), HOWEVER, SINCE NO PRECEDENT FOR PROCEDURE CAN BE FOUND, EMB WOULD PREFER THAT BELETSKYI NOT BE TOLD AUTHORIZATION HAS BEEN ACCOMPLISHED IN ACCORDANCE WITH ESTABLISHED PROCEDURE. A FURTHER QUESTION IS THAT AT TRIPARTITE MEETING SEPT. 19, ALL WERE UNCERTAIN ABOUT NEED IN DRAFT BK/L FOR "DRAFT" BEFORE "LEGISLATION RESPECTING SUCH AN AGENCY" AS AK WOULD OFFICIALLY STUDY LEGISLATION ONLY AS ENACTED AND PROMULGATED IN FRG, I.E., WHEN IT IS NO LONGER DRAFT LEGISLATION. AS FRG DECISION TO LOCATE AGENCY IN WSB AFTER LEGISLATION IS ENACTED WOULD ALSO BE BASED ON EXERCISE OF ORGANISATIONSGEWALT NOT APPLIED IN WSB (LAW BEING SILENT ON LOCATION OF AGENCY), EMBASSY ASSUMES THAT SIMILAR SCENARIO TO THAT REPORTED REFTTEL (A) WILL BE NEEDED FOR ESTABLISHMENT OF FINAL AGENCY IN WSB. EMBASSY WILL REPORT ON FINAL DECISION CONCERNING NAME OF PRELIMINARY OFFICE FOR APPROPRIATE USE IN BK/L AS SOON AS FONOFF INFORMS EMBASSY.

6. EMBASSY WOULD APPRECIATE COMMENTS ON REDRAFT OF REPLY TO SOVIET COMMUNICATION WHICH IT WAS AGREED WOULD BE DISCUSSED AT FULL BONN GROUP MEETING MORNING OF SEPT. 21. WE ASSUME THAT BY SEPT. 21 MEETING, SENAT AGREEMENT TO PROCEDURES REPORTED REFTTEL (A) AND (B) WILL BE KNOWN TO FRG FONOFF.

7. EMBASSY WILL ALSO PLACE BUNDESINSTITUT FUER BAUFORSCHUNG, ON WHICH WE UNDERSTAND THERE HAS BEEN NO CONSULTATION IN BERLIN, ON AGENDA FOR SEPT. 21 BONN GROUP MEETING.
HILLENBRAND

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 20 SEP 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973BONN13594
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS HILLENBRAND
Errors: N/A
Film Number: n/a
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730922/aaaaaqdx.tel
Line Count: 219
Locator: TEXT ON-LINE
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: (A) BERLIN 1625; (B) BERLIN 1631; (C,) STATE 184125;
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 31 JUL 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <31-Jul-2001 by boyleja>; APPROVED <18-Sep-2001 by morefirh>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOCATION OF FRG ENVIRONMENTAL OFFICE/AGENCY IN BERLIN
TAGS: PGOV, WB, GE, UR
To: n/a
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005